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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 17, 2004. Claims 1-35 are pending in this patent application. The Examiner rejects Claims 1-35. For the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1-3, 5-7, 10-20, 23-27, 30-32, and 34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,662,225 issued to Motoyama (*"Motoyama"*). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); M.P.E.P § 2131 (*emphasis added*).

Independent Claim 1 recites the following limitations:

> A system for enabling remote monitoring and management of one or more applications within a domain, the domain being one of a plurality of such domains, the system comprising:
> one or more computers within the domain and coupled to a network, each operable to execute one or more applications being monitored and managed;
> a firewall operable to limit access to the applications within the domain from the network;
> an application management layer within the domain comprising:
> one or more agents each operable to monitor one or more corresponding applications and generate notifications in response to the occurrence of events associated with the corresponding applications; and
> a gateway operable to receive one or more of the notifications and store the notifications in a database; and
> a communication layer within the domain operable to:
> retrieve one or more of the notifications from the database in response to a request received from a monitoring and management portal coupled to the network outside of the domain, the request communicated to the communication layer using a communication protocol providing access

through the firewall; and

> communicate the notifications to the monitoring and management portal using the communication protocol to enable remote monitoring and management of the associated applications.

Independent Claims 12, 31, 32 and 34 recite similar, although not identical, limitations.

Motoyama does not anticipate Claim 1 (or Claims 12, 31, 32 or 34) since it does not disclose each and every one of these limitations. For example, *Motoyama* does not disclose "a communication layer within the domain operable to retrieve one or more of the notifications from the database *in response to a request received from a monitoring and management portal coupled to the network outside of the domain.*" The Examiner asserts that this limitation is taught in *Motoyama* at Column 8, lines 29-38. There is simply no disclosure in this passage or anywhere else in *Motoyama* that notifications generated in response to the occurrence of events associated with a corresponding application are retrieved from a database in response to a *request* from a *monitoring and management* portal coupled to the network *outside of the domain*. In fact, *Motoyama* clearly indicates that the data logged as a result of monitoring elements in a network is sent from the network via e-mail without any request to do so.

For example, *Motoyama* describes the communication of such logged data as follows:

> The data obtained by monitoring a user's usage of a target application of an application unit can, as a further feature in the present invention, be collected and logged and then communicated to a desired location by Internet email. The use of email communication reduces the costs associated with communicating such data. *The data can be communicated to the desired location at several instances, including each time a user exits a target application of an application unit, or after a predetermined number of times that a user has utilized and exited the target application of the application unit.*

Column 2, line 64 – Column 3, line 7. This operation is explained in detail in conjunction with Figure 14 at Column 15, line 50 – Column 16, line 4 and in conjunction with Figure 17 at Column 19, line 52 – Column 20, line 8. These passages describe in detail how logged data from monitoring elements is communicated. There is never any disclosure that this data

is communicated *in response to a request received from a monitoring and management portal coupled to the network outside of the domain.* Likewise, there is no disclosure in *Motoyama* of communicating "the notifications to the monitoring and management portal using the communication protocol to enable remote monitoring and management of the associated applications."

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1, 12, 31, 32 and 34, as well as Claims 2-11 and 13-23, which depend from Claims 1 and 12, respectively.

Furthermore, in addition to the limitations discussed above, Claim 34 also recites making the retrieved notifications from each of the selected domains available at a computer associated with the monitoring portal for display to a user of the monitoring portal in a *unified view in which the notifications are aggregated.* *Motoyama* fails to disclose this limitation, specifically displaying notifications from each of the selected domains in a unified view. Furthermore, the Office Action does not address this claim limitation. Therefore, Applicants respectfully request reconsideration and allowance of Claim 34 for at least this additional reason.

Moreover, Claim 11, which depends from Claim 1, recites the following additional limitations:

> The system of Claim 1, wherein:
> the communication layer is further operable to:
> receive a command for a particular application communicated from the monitoring and management portal using a communication protocol providing access through the firewall associated with each selected domain; and
> communicate the command to an agent associated with the application to which the command is directed; and
> the agent is further operable to execute the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application.

Motoyama fails to disclose communicating a command for a particular application received from a monitoring and management portal to an agent associated with the

application to which the command is directed. In the rejection of Claim 11, the Examiner cites to Column 9, lines 64-67 of *Motoyama* as disclosing this limitation. However, this passage does not relate in any way to this limitation and Applicants are unclear how the Examiner is reading the passage to disclose this limitation. The passage does not disclose sending a command for an application to an agent associated with that application and it does not disclose receiving any sort of communication from a monitoring and management portal.

Furthermore, *Motoyama* fails to disclose that an agent is operable to execute the command using a monitor within the agent that is associated with the application to which the command is directed. In the rejection of Claim 11, the Examiner cites to Column 9, line 67 through Column 10, line 6 of *Motoyama* as disclosing this limitation. However, this passage does not recite an agent executing a command associated with an application. This passage simply discloses sending e-mail messages to a message transfer agent used to forward the e-mail messages. Therefore, Claim 11 is allowable for at least these additional reasons.

Independent Claim 24 recites the following limitations:

> A method for remotely managing applications across a plurality of domains, comprising:
> generating a command for each of a plurality of applications at a management portal coupled to a network, the applications executed on a plurality of computers within a plurality of domains, the applications being of a common type, each domain coupled to the network and including a firewall limiting access to the applications within the domain;
> communicating the commands to a communication layer within each of one or more selected domains using a communication protocol providing access through the firewall associated with each selected domain, each selected domain comprising an application to which a command is directed;
> within each selected domain, communicating the command from the communication layer to an agent associated with the application to which the command is directed; and
> within each selected domain, executing the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application.

Motoyama fails to disclose generating a command for each of a plurality of applications at a management portal coupled to a network. The Examiner asserts that this

limitation is taught at Column 9, lines 16-28 of *Motoyama*, but this passage only discloses commands sent within a network, not commands generated at a management portal coupled to a network. *Motoyama* also fails to disclose communicating commands to a communication layer within each of one or more selected domains using a communication protocol providing access through the firewall associated with each selected domain. The Examiner asserts that this limitation is taught at Column 10, lines 7-12 of *Motoyama*, but this passage only generally discloses the communication of e-mails. Furthermore, there is no disclosure of communicating a command from the communication layer to an agent associated with the application to which the command is directed. The Examiner points to elements 268, 278, 262, and 286 of Figure 5 of *Motoyama* as being devices that are "running application being monitor on each domain," but there is simply no disclosure that any of these elements receive commands generate at a management portal (or even that they receive the e-mails disclosed at Column 10, lines 7-12). Finally, there is no disclosure in *Motoyama* of executing a command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application. For an alleged teaching of this limitation, the Examiner offers Column 10, lines 6-12. However, this passages only generally discloses the communication of e-mails, and it certainly does not disclose executing commands using a monitor within the agent associated with the application to which the command is directed.

For these reasons, Applicants respectfully request reconsideration and allowance of Claim 24, as well as Claims 25-30, which depend from Claim 24.

Section 103 Rejections

The Examiner rejected Claim 4 under 35 U.S.C. § 103(a) as being anticipated by *Motoyama* in view of U.S. Patent No. 6,510,350 issued to Steen (*"Steen"*). The Examiner also rejected Claims 8-9, 21-22, 28-29, and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Motoyama* in view of U.S. Patent No. 5,826,239 issued to Du (*"Du"*). Furthermore, the Examiner rejected Claim 33 under 35 U.S.C. § 103(a) as being unpatentable over *Motoyama* in view of *Steen* and in further view of *Du*.

Claim 33 recites limitations that are similar, although not identical, to those of Claims 1, 12, 31, and 32. Therefore Claim 33 is allowable for the same reasons discussed above in conjunction with Claims 1, 12, 31, and 32. Claim 35 recites limitations that are similar, although not identical, to those of Claim 24. Therefore Claim 35 is allowable for the same reasons discussed above in conjunction with Claim 24. Finally, Claims 4, 8-9, 21-22, and 28-29 are dependent on one of Claims 1, 12 or 24, and are thus allowable at least because they depend from an allowable independent claim. For these reasons, Applicants respectfully request reconsideration and allowance of Claims 4, 8-9, 21-22, 28-29, 33 and 35.
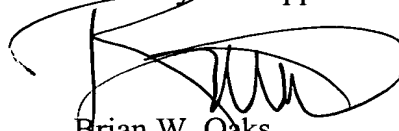
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CONCLUSION

Applicants have an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
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Date: February 15, 2005

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